

#### REMARKS

The application includes claims 1-28. Reexamination and reconsideration of the application are respectfully requested.

According to the Office Action, Claim 26-28 are allowed.

Claims 1, 6-8, 15, 18, and 20-22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,776,333 issued to Plester et al. (the Plester '333 patent).

According to the Office Action, the Plester '333 patent teaches a water treatment apparatus including a treatment housing with an inlet (7), an outlet (8), below the operating level of the apparatus, a head space (Fig. 1) between the roof and the water level, a heater (6) within the housing, a filter (1) between the heater and the outlet, a heat exchanger (18) cools treated water and heats untreated water, a temperature probe (36) and a separate chamber (Fig. 1), a reservoir (26) having an inlet separated from an outlet (Fig. 1), automatic control means (35) allowing a lower temperature to be maintained. This rejection is respectfully traversed.

The Plester '333 patent discloses a water treatment system for use with a post-mix beverage dispenser comprising a mesh filter structure (2) disposed in a cylindrical cartridge (1) and respective inlets and outlets for receiving untreated water and discharging treated water. The system in the Plester '333 patent also includes a heat exchanger (18) exterior to the water treatment cartridge (1) for exchanging heat between hot outgoing treated water and cooled incoming untreated water. The cartridge (1) is heated by a heater positioned external to the cartridge (1) and not in contact with the water within the cartridge.

In one embodiment of the Plester '333 patent illustrated in Fig. 1, the heater is an electric heater (6) disposed in a cavity (5) in the center of the cartridge (1). Although the heater (6) is described in the Plester '333 patent as being an "internal" heater, the heater is not disposed inside the water treatment cartridge (1) in direct contact with the water, it is disposed in a centrally located cavity (5) of the cartridge (1), but outside the cartridge wall. The Plester '333 patent describes the cartridge (1) as insertable on and readily removable from the heater. Col. 4, lines 10-20.

The Plester '333 patent discloses another embodiment which is illustrated in Fig. 3. In that embodiment, the heater is a heating mantle (6A) surrounding the cylindrical cartridge (1). In still another embodiment illustrated in Fig. 4 of the Plester '333 patent, the heater is an external gas heater (47) positioned beneath the cartridge (1). See Col. 4, lines 10-20 and Col. 9, lines 11-17.

In contrast, independent Claim 1 of this application describes a water treatment apparatus comprising a heater within a water treatment housing to come into direct contact with water in the water treatment housing and a filter in the water treatment housing between a heater and an outlet of the housing. This arrangement is found to be an efficient and economic water purification system without the need to separate the heater from the water under treatment and therefore without the need for the heater to have a long built-in life expectancy. This allows the housing to be in the form of a disposable cartridge so that the heater is also disposable.

In contrast, the Plester '333 patent discloses only heaters that are external to the water treatment cartridge and does not disclose or suggest a water treatment system wherein the heater for the water being treated is disposed in the water treatment cartridge and in direct contact with the water being treated.

Applicants respectfully submit that without any disclosure or suggestion of such an arrangement in the Plester '333 patent, Claim 1 describes subject matter novel and not obvious over the Plester '333 patent. None of the remaining cited references adds to the disclosure of the Plester '333 patent in any way to render the subject matter of Claim 1 obvious.

The foregoing is submitted as a full and complete response to the Office Action and the allowance of all claims is respectfully requested. If there are any issues which can be resolved by a telephone conference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney at 404.853.8064.



In re Application of: Martin Stanley Johnson, et al.  
Patent Application Serial No.: 10/088,299  
Filed: June 21, 2002  
Page 8

Respectfully submitted,

Peter G. Pappas  
Reg. No. 33205

SUTHERLAND ASBILL & BRENNAN LLP

999 Peachtree Street, NE  
Atlanta, Georgia 30309-3996  
Telephone: (404) 853-8000  
Facsimile: (404) 853-8806  
Attorney Docket No.: 25040-0681